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Chapter Ten—Specialized Services Procedure

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Chapter Ten

Specialized Services Procedure

10.1 DEFINITION

The Office of the Secretary or an Office Director may determine that a project requires unique professional services and/or expertise not normally utilized on projects processed by the Department.

When this occurs, a Director may decide that the standard advertising, shortlisting and selection procedures are not appropriate.

10.2 APPROVAL REQUEST

To modify the standard procedure, a Director must obtain approval from the Consultant Policy Committee and approval of the Secretary. The request should include a project description, a scope of work, a recommended procurement process, and justification as to why the services fall within the area of specialized services.

10.3 PROCUREMENT PROCESS

Because of the unusual nature of these projects, the procurement process will vary. A Director is responsible for determining the method that will lead to selecting the best firm for the project under consideration. No matter what method is used, State law, federal law and Department policy cannot be violated. The Consultant Control Coordinator is responsible for ensuring that the laws and policies are complied with, or that waivers of policy are approved.

Unless a project is so unique that only one firm is qualified to perform the work, a modified version of the normal process should be used to comply with the basic intent of Title 29, Chapter 69, Subchapter II of the Professional Services Negotiation Act of the Delaware Code and uniform project management.

Unless aspects of the specialized services preclude their use, the following procedure is suggested:

- Obtain an approved Project Initiation.
- Determine the need for outside services.
- Assign a Project Manager.
- Prepare a project description and scope of work.
- Prepare a preliminary cost estimate for outside services including a time line, critical project features, any special criteria, special specifications, special standards, unusual problems, anticipated use of subconsultants, and an initial DBE evaluation. (Federal-aid projects only.)
- Prepare a description of the procedure to be followed in procuring services and administering the contract.
- Obtain Consultant Policy Committee approval of the procedure.
- Obtain authorization and approval of the

Secretary.

- Request an agreement number.
- Request funding for advertising, pre-award audit and any costs associated with the selection and negotiation process.
- Establish the DBE goal, if applicable.
- Initiate advertisement of expression of interest.
- Establish shortlist and selection committees.
- Receive Expression of Interest.
- Shortlist consultants.
- Obtain Director's and Secretary's approval.
- Notify shortlisted consultants.
- Notify all other responding consultants.
- Convene Selection Committee to establish selection criteria.
- Conduct preproposal meeting, set up interviews and request technical proposals.
- Distribute preproposal meeting minutes to Selection Committee.
- Receive technical proposals and distribute to Selection Committee.
- Rate technical proposals.
- Conduct and rate oral presentations.
- Recommend the rated firms for approval to the initiating Director and the Secretary.
- Notify all interviewed firms of the firm selected.
- Debrief, as necessary.
- Hold a final scope-of-work meeting to re-

quest price proposal, define proposal format and content, and clarify contractual matters and preliminary draft agreement.

- Receive the fee proposal.
- Conduct the initial review.
- Request a pre-award audit.
- Submit draft fee proposal including preliminary draft agreement to appropriate sponsoring agency for review, comment and preliminary approval.
- After receipt of pre-award audit, negotiate compensation for all anticipated services.
- Notify Office of Financial Management and Budget and federal agency if final total fee is substantially different from original estimate to confirm funding availability and approval.
- Send final copy of negotiated fee proposal to appropriate sponsoring agency.
- Prepare final agreement.
- Submit the agreement to the Deputy Attorney General for Approval As-To-Form.
- Submit the Approval As-To-Form agreement to the Consultant Control Coordinator for Approval As-To-Process.
- Send final approved draft agreements to Consultant for signature (four copies normally, five if jointly sponsored).
- Request execution by Department by sending signed agreements with Agreement Transfer Form to initiating Director for signature then to Director of Administration for execution of the agreement on behalf of the Department.
- Issue Notice to Proceed.
- Send the appropriate number of completely executed agreements (two originals and one copy) with completed Consultant

Information Form to the Office of Financial Management and Budget to obtain State and/or federal funding approval.

- Send an original executed final agreement to the appropriate sponsoring agency.
- Distribute copies of executed agreements (one copy to Consultant Control Coordinator).
- Notify all interviewed consultants that agreement has been reached.
- Monitor work in progress.
- Prepare interim performance evaluations.
- Prepare supplemental agreements as required.
- Notify the Office of Financial Management and Budget that contract is complete.
- Prepare final performance evaluation.
- Request final audit.
- Contract closeout.

For a detailed description of each of these items, refer to the appropriate chapters in this manual. Professional services contracted under this method are procured and administered essentially the same as any other project, the exceptions being the manner in which the project may be advertised, the proposal format, the evaluation criteria, the rating method, the shortlisting and selection committee memberships, the method of shortlisting, and the selection process.